

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10814 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

DHIRAJLAXMI N. VAIDYA

Versus

DIRECTOR OF PENSION AND PROVIDENT FUND

Appearance:

Mr. M.D. Rana, Advocate for Petitioner
MR JD AJMERA for Respondent Nos. 2 and 5
Mr.Bamania, Asstt. Govt.Pleader for Respondent No. 3
SERVED BY DS for Respondent No. 6

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 08/03/96

ORAL JUDGEMENT

The petitioner who is 80 years of age is widow of an employee who admittedly was being given pension during his life time, till he passed away in 1987, is denied family pension till now on a spacious plea that the

Accountant General, Maharashtra was dealing with the case and that the Central Government was not itself concerned with the same. Admittedly, pension was being paid to her husband from Porbandar Treasury. It is stated on behalf of the State Government that the pension was sanctioned by the Accountant General Maharashtra and it was being paid under the Pension Payment Order No. C-4089 from the Treasury Office, Porbandar, which was the disbursing office. This fact is also reflected in the affidavit-in-reply filed on behalf of the respondent No.3. The petitioner, after the demise of her husband on 18.10.1987, made an application for family pension. This aspect was considered by the concerned authorities and a communication was addressed on 14.9.1995 by the Superintendent of Police, Railway, Pune to the Accountant General, Maharashtra to the effect that the petitioner had fulfilled all the conditions contained in paragraphs 1 and 2 of the Government Resolution dated 16.4.1984 for grant of family pension at the rate of Rs. 375/- per month from 19.10.1987. The Accountant General was therefore, requested to sanction the ad-hoc family pension to the petitioner at the earliest. A copy of this communication was sent to the petitioner. In this context, a communication was also sent by the Office of the Accountant General, Maharashtra to Secretary, Government of India, Ministry of Home Affairs, a copy of which was sent to the petitioner and a xerox copy of which is placed on record, to the effect that the petitioner whose husband had retired as Head Constable from the Office of the Deputy Inspector General of Police (W.I & G.S.Region) was authorised pension under PPO No.C-4089 by the Office of the Accountant General, Maharashtra and therefore, needful was required to be done in respect of the petitioner who was the widow of late Nanalal Vaidya. Despite this clear communication from the Accountant General, Maharashtra to the Government of India, it was surprising to note that the learned Counsel appearing for the Union of India and the Accountant General, Gujarat looked at each other and were wondering as to who should be paying pension to this old lady. It is indeed sad that though the petitioner was admittedly entitled to family pension, nothing is being done so far. It would therefore be appropriate to give a direction to the Central Government to ensure that family pension to which the petitioner may be entitled is paid up immediately. The respondent No.5 Central Government is accordingly directed to make immediate payment of family pension to which the petitioner may be entitled, in any case not later than two weeks from the date of service of this order on the Central Government. All the arrears to which she shall be entitled on the basis of

her family pension should also be forthwith paid to her within the aforesaid period. Since there has been unwarranted delay in disbursing the pension to the petitioner if she is entitled to, it will be appropriate to direct that the arrears of pension amount be paid alongwith an interest at the rate of 12 per cent per annum. Rule is made absolute accordingly with costs.
